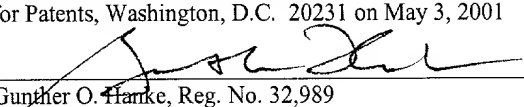


CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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Gunther O. Hanke, Reg. No. 32,989

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:) Examiner: D. Willse
)
Inventors: Richard T. Allen, Daniel L. Cox) Group Art Unit: 3738
)
Serial No.: Continuation of USSN) Docket No. ACS 57527 (12013.1)
08/881,059)
)
Filed: Concurrently)
)
For: STENT WITH REINFORCED)
STRUTS AND BIMODAL)
DEPLOYMENT) May 3, 2001

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Entry of the following Preliminary Amendment and consideration of the remarks is respectfully requested prior to reconsideration of the application.

IN THE CLAIMS

Please amend the following claims:

2. The stent of claim 1, wherein each of the alternating peaks or valleys has one of said reinforcing members extending across its width.

18. A longitudinally flexible stent for implanting in a body lumen and expandable from a contracted condition to an expanded condition, comprising:

a plurality of adjacent cylindrical elements which are independently expandable in the radial direction and arranged in alignment along a longitudinal stent axis;

the cylindrical elements formed in a serpentine wave pattern transverse to the longitudinal axis and containing a plurality of alternating peaks and valleys;

at least one interconnecting member extending between adjacent cylindrical elements and connecting them to one another;

a reinforcing member extending across only one of each said peaks and valleys; and

the serpentine wave pattern configured in size and shape so that the cylindrical elements generally expand in a uniform manner around their circumferences during expansion of the stent from its contracted condition to its expanded condition.

REMARKS

Claims 1-6, 10, 11, 15-18, 20 and 21 remain pending. Entry of the Preliminary Amendment and reconsideration of the application is respectfully requested.

The "Amendment After Final Rejection" that had been submitted on March 27, 2001 was not entered because, according to the Advisory Action of the affidavit had not been directed SOLELY to issues which were newly raised by the Examiner in the final rejection. A review of the previous Office actions reveals that no new issues had in fact been raised in the final rejection with regard to the art rejections other than the fact that both inventors had failed to sign the previously submitted affidavit. The substitute affidavit that was filed in Amendment After Final was intended to cure such deficiency with the inclusion of both of the required signatures and thereby overcome the **only** reference cited in the previous Office action. In a telephone conference with the Examiner on April 20, 2001, the Examiner indicated that he had become aware of more art and that as a result, he refused entry of the Amendment After Final Rejection that had been submitted. In order to properly consider such newly found references on the record, it was indicated that another continuation of the case would have to be filed.

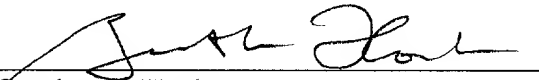
In an effort to facilitate the reconsideration of the present invention in view of the newly discovered art, Applicants hereby resubmit the previously submitted response, including a copy of the 37 C.F.R. § 1.131 declaration signed by both co-inventors to overcome the Killion reference. The amendment of claims 2 and 18 are again being submitted in an effort to cure the informalities previously noted by the Examiner. More particularly, claims 1-6, 10, 11, 15-18, 20 and 21 had been rejected under 35 U.S.C. § 112 as indefinite. Claim 2 has been amended so as to

alleviate any contradictions that may have been present. While claim 1 specifies that at least one of said reinforcing elements is to be present, claim 2 specifies that each of said peaks or valleys is to have such reinforcing element extending there across. Both claims nonetheless require that each such reinforcing element is to extend across only a single peak or valley so as to distinguish Frantzen (U.S. Patent No. 5,741,327) in which a single element is shown extending across multiple peaks and valleys. Claim 18 was amended so as to cure the lack of antecedent basis noted by the Examiner and so as to insert "a plurality of" in the proper location.

Consideration of the application in view of the above amendments and remarks is respectfully requested.

Respectfully submitted,

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